

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

Applicant : Arnaud FAUSSE
Serial No.: 09/914,282
Filed : August 24, 2001
Title : PROTECTED OPTICAL DISK AND METHOD FOR PROTECTING AN OPTICAL DISK

Art Unit :
Examiner :

Assistant Commissioner for Patents
Washington, DC 20231

PETITION UNDER 37 C.F.R. 1.47(b)

Dear Sir:

Mr. Arnaud Fausse, a resident of France, is the sole inventor of the captioned application. After extended and diligent effort to contact Mr. Fausse, no reply from Mr. Fausse has been forthcoming. Applicant, therefore, petitions under 37 C.F.R. 1.47(b) to allow the owner of this application, Schlumberger Systemes, to prosecute this application on behalf and as agent for the inventor. Mr. Fausse was under the employ of Schlumberger Systemes at the time the subject matter of the captioned application was invented, and was under an obligation to assign his rights therein to Schlumberger Systemes. Schlumberger Systemes has been unable to obtain a written assignment from Mr. Fausse as of this date.

The fee set forth in 37 C.F.R. §1.17(h) is attached hereto. The last known address of Mr. Fausse is 11 bis, rue de Maubeuge, 75009 Paris, France. An Oath or Declaration, unsigned, is attached hereto. The following facts and attachments provide proof that the requested action is necessary to preserve the rights of the parties and/or to prevent irreparable damage, and show that Mr. Fausse has either refused to execute the application or cannot be found or reached after diligent effort.

At Tab A is shown a letter dated November 19, 2001 from the undersigned to the Intellectual Property Department of Schlumberger Systemes, advising of the formal deadline of December 12, 2001, to submit the signed Declaration and Power of Attorney.

BEST AVAILABLE COPY

At Tab B is shown email correspondence from Miss Sophie Diatta, assistant in the Intellectual Property Department of Schlumberger Systémés, showing that she was making best efforts to obtain the signed documents from the inventor.

At Tab C is shown a copy of a letter dated May 7, 2002, from Mr. Gérard den Braber of Schlumberger Systemes indicating their inability to obtain a response from the inventor despite diligent effort.

At Tab D is shown a copy of a letter (in French) dated March 15, 2002 addressed to Mr. Fausse at his last known address, via registered mail, and an English translation thereof.

In view of the above, grant of this petition is respectfully requested. It is considered that this submission completes the missing requirements under 35 U.S.C. 371. Accordingly, Applicant requests that this application be placed in order for examination.

A check in the amount of \$2,220.00 is enclosed herewith to cover the fee for 5 months extension of time, the surcharge for late payment of the filing fee and/or late filing of the original declaration, and the Petition fee under §1.17(h). Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669.007001; 76.0557US).

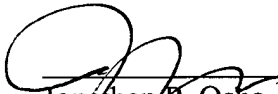
Respectfully submitted,

Date: 5/13/02

05/31/2002 GFREY1 00000147 09914282

03 FC:128

1960.00 0P


Jonathan P. Osha, Reg. No. 33,986
ROSENTHAL & OSHA L.L.P.
1221 McKinney Street, Suite 2800
Houston, TX 77010

Telephone: (713) 228-8600

Facsimile: (713) 228-8778

Schlumberger Sema
Intellectual Property Department

50, avenue Jean Jaurès, BP 620-12
92542 Montrouge Cedex, France
Phone: +33 (0)1 46 00 48 98
Fax: +33 (0)1 46 00 63 08

SchlumbergerSema

Fax & confirmed by mail
RECEIVED WITH THANKS
Rosenthal & Osha L.L.P.

MAY - 7 2002

Rosenthal & Osha
One Houston Center, Suite 2800
1221 Mc Kinnou street
Houston Texas 77010
USA

Attention : Jonathan P. Osha

May 7, 2002

Re : US patent appln. Based on the PCT/FR00/00483
Y/ref. : 09669.007001
O/ref. : 76.0557US

Dear Sir,

We acknowledge receipt of your facsimile reminder dated May 6, 2002.

We have sent a registered letter to the inventor, Arnaud Fausse including the following documents : the Declaration, Power of Attorney and Assignment for signature.
We did not yet receive the notification of reception neither the notification of delivery.

We can't provide you with these documents signed by the due date of May 12, 2002.

Please find enclosed all the cited document with their english translation.

Yours sincerely,

P. O. 
Gérard Den Braber
IP Manager

Enclosure :

- French letter to Arnaud Fausse with its English translation.
- Declaration, Power of attorney and assignment document
- Registered mail with it english translation (see annex 1).

For your information, our office will be closed from May 8 to May 12, 2002.

Schlumberger Systèmes, Société anonyme au capital de 106230200FF
Siège social : 50 avenue Jean Jaurès, 92120 Montrouge, France
RCS Nanterre 562 113 530

previously docketed

Docketing	
Action:	<i>Missing Parts</i>
Base Date:	<i>10.12.2001</i>
Due Date:	<i>12.12.2001</i>
Deadline:	<i>5.12.2002</i>
Initials:	<i>[Signature]</i>
Atty/Sec. Initials:	

Schlumberger Sema
Intellectual Property Department

50, avenue Jean Jaurès, BP 620-12
92542 Montrouge Cedex, France
Phone: +33 (0) 1 46 00 48 98
Fax: +33 (0) 1 46 00 63 08

SchlumbergerSema

Arnaud FAUSSE

11 bis, rue de Maubeuge
75009 Paris

A Montrouge, le 15 mars 2002

Nos Réf. : /6.055/ US

"Protected Optical Disk And Method For Protecting An Optical Disk."

Monsieur,

Vous êtes mentionné comme inventeur de la demande Internationale publiée sous le numéro WO 00/51119 dont une copie de la page de garde est jointe à la présente lettre.

Cette demande Internationale est entrée en Phase Nationale dans différents pays dont, les Etats-Unis.

Vous trouverez en pièces-jointes les documents qui sont à la base de l'entrée en Phase Nationale aux Etats-Unis à savoir, une description, des revendications ainsi que des dessins.

Vous trouverez également en pièces-jointes les documents à signer par chaque inventeur à savoir :

- ⇒ une « Declaration »
- ⇒ un « Assignement »
- ⇒ un « Power of Attorney »

Veuillez signer ces derniers si vous êtes d'accord avec les documents à la base de l'entrée en Phase Nationale aux Etats-Unis et si vous considérez que vous en êtes l'inventeur, sinon, veuillez nous formuler vos commentaires.

Votre réponse doit nous parvenir le 01^{er} avril 2002 au plus tard. A défaut de réponse, nous considérerons que vous renoncez à votre titre d'inventeur.

Sophie DIATTA
Assistante Brevet

Tawana Garcia

From: Rhonda L Parker [rlp@rosha.com]
Sent: Wednesday, December 19, 2001 10:41 AM
To: diatta
Cc: jonathan Osha; 'Toni Hill'; 'Tawana Garcia'
Subject: RE: Our File 09669/007001

Dear Sophie,

Thank you for your reply to my email. We look forward to receiving the Declaration for our file 09669/007001 in the near future. Please let me know if we can further assist you in any way.

Happy Holidays!
Rhonda Parker
Assistant to Jonathan P. Osha

-----Original Message-----

From: diatta [mailto:sdiatta@montrouge.sema.slb.com]
Sent: Wednesday, December 19, 2001 9:32 AM
To: rhonda L Parker
Cc: jonathan Osha
Subject: Re: Our File 09669/007001

Dear Rhonda,

I have finally understand what was wrong and I am now doing my best to obtain the documents.

Best Regards

Sophie DIATTA
Assistant of Gérard den Braber : IP Manager Cards

Schlumberger Sema Tel: +33 1 46 00 48 98
50 avenue Jean Jaurès - B.P. 620-12 Fax: +33 1 46 00 63 08
92542 Montrouge Cedex Email: sdiatta@montrouge.sema.slb.com

At 10:31 14/12/2001 -0600, you wrote:

Hi Sophie:

We received your fax this morning including the Declaration for our file 09669/009001, Serial No. 09/936,645, filed on September 14, 2001, which we previously received on November 13, 2001. However, we still need the Declaration for our file 09669/007001, Serial No. 09/914,282, filed on August 24, 2001.

Please call or email me if you have any questions.

HAVE A GREAT DAY!

Rhonda L. Parker
Assistant to Jonathan P. Osha
Rosenthal & Osha, L.L.P.
700 Louisiana, Suite 4550
Houston, Texas 77002
Telephone: (713) 228-8600
Facsimile (713) 228-8778

TRANSLATION OF LETTER TO ARNAUD FAUSSE DATED MARCH 15, 2002.

Dear Sir,

You are mentioned as inventor of the International Application published under number WO 00/51119 whereof a copy of the front page is enclosed with this letter.

This International Application has entered into the National Phase in various countries amongst which the United States.

You will find enclosed the documents that are at the basis of the National Phase entry into the United States, namely, a description, claims and drawings.

You will also find enclosed documents to be signed by each inventor namely:

- A Declaration
- An Assignment
- A Power of Attorney

Would you please sign these documents if you agree with the documents that are at the basis of the National Phase entry into the United States and if you consider yourself to be inventor, if not, would you please send us your comments.

We should have your response April 1st, 2002 at the latest. If you do not respond, we assume that you renounce to your inventor title.

Sophie DIATTA
Patent Assistant

PREUVE DE DEPOT

D'UN OBJET RECOMMANDE
AVEC AVIS DE RECEPTION

RA 8674 8201 059

DESTINATAIRE

M^r Fausse Arnaud
11 bis, rue de Montbeuge
75009 Paris

EXPEDITEUR

SCHUMBERGER SYSTEMES
B P 520-12
50, AVENUE JEAN-JAURES
92542 MONTROUGE CEDEX

NE PAS UTILISER DE TAMPON

PREUVE DE DEPOT

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Letter

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Proof of delivery
of a registered object
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D'UN OBJET REÇU EN DÉPÔT
Avec avis de réception

FA 8674 8201 0FF

DESTINATAIRE

M^r Fausse Arnaud
11 bis, rue de Moubenge
75009 Paris

EXPÉDITEUR

SCHLUMBERGER SYSTEMES
9 P 620-12
50, AVENUE JEAN-JAURES
92542 MONTROUGE CEDEX

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den

Annex 1

Customer References

Tariff of registration

Recipient

Letter
Panel

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of a registered object
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LA POSTE

76.0557 MB

Gérard don Barber

PREUVE DE DEPOT

AVICATIN DE ALGERION

BA 8874 8201 OFF

DESTINATAIRE

MR Fausse Arnaud

11 bis, rue de Maubenge

75009 Paris

PREUVE DE DEPOT

SCHLUMBERGER SYSTEMES
9 P 520-12
50, AVENUE JEAN-JAURES
92542 MONTROUGE CEDEX

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Keep this form, this one
will be required for claims

Sender

Proof of delivery

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76.0557 us
Gérard den Braber

PA 88 76 82015 01 P

DESTINATAIRE

N° Fousse Arnaud
11 bis, rue de Mauberge
75009 Paris

SCHLUMBERGER SYSTEMES
B P 520-12
50, AVENUE JEAN-JAURES
92542 MONTROUGE CEDEX

NE PAS UTILISER DE TAMPON

ROSENTHAL & OSHA L.L.P.

SUITE 4550 • 700 LOUISIANA STREET
HOUSTON • TEXAS 77002
TELEPHONE: (713) 228-8600 FACSIMILE: (713) 228-8778

November 19, 2001

Via Facsimile No: 011 33 1 4600 6308

Mr. Gérard P. den Braber
Schlumberger Systèmes
Test & Transactions
Intellectual Property Department
50, avenue Jean Jaurès, BP 620-12
92542 Montrouge Cedex
FRANCE

Re: New U.S. Patent Application, Based on PCT/FR00/00483
Entitled: "Protected Optical Disk and Method for Protecting an
Optical Disk"
Our File: 09669/007001
Your Reference: 76.0557US

Dear Gérard:

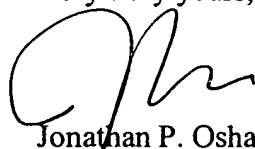
Further to our letter of October 2, 2001, the U.S. Patent and Trademark Office has now set a formal deadline of **December 12, 2001**, to submit the signed Declaration and Power of Attorney for the referenced application.

This deadline may be extended automatically for up to four, one-month periods upon payment of an extension fee when the documents are filed. However, these fees are significant and increase monthly, so prompt action is recommended.

We await your signed documents. Once received we will submit them to the U.S. Patent and Trademark Office in a Response to Missing Parts and forward a copy for your records. We look forward to receipt of the signed formal documents.

Please advise if there are any questions, or if there is any problems to be addressed in meeting this deadline.

Very truly yours,



Jonathan P. Osha

JPO/tlg

Original w/enclosure by Air Mail

22012_1.DOC

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4323
CONNECTION TEL 01133146006308
SUBADDRESS
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ST. TIME 11/20 09:14
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RESULT OK

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HOUSTON, TEXAS 77002
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FACSIMILE: (713) 228-8778

ROSENTHAL & OSHA L.L.P.

Fax

Date: November ²⁰~~19~~, 2001

File: 09669/007001

To: Mr. Gérard den Braber

Fax No.: 011 33 1 4600 6308

CC:

From: Jonathan P. Osha

Re: Your Ref. 76.0557 US

Pages (including cover sheet): 2

☐ **URGENT!**☐ Please Reply☐ Please Review
& Comment☒ For Your
Information● **COMMENTS:**

SUITE 4550
700 LOUISIANA STREET
HOUSTON, TEXAS 77002
TELEPHONE: (713) 228-8600
FACSIMILE: (713) 228-8778

ROSENTHAL & OSHA L.L.P.

Fax

RECEIVED

Date: November ²⁰~~19~~, 2001

File: 09669/007001

To: Mr. Gérard den Braber

Fax No.: 011 33 1 4600 6308

CC:

From: Jonathan P. Osha

Re: Your Ref. 76.0557 US

Pages (including cover sheet): 2

☐ **URGENT!**

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☐ Please Review
& Comment

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Information

● **COMMENTS:**

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28 MAY 2002

09/914282

PTO/SW/01 (03-01)

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
with Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

02669/007001

First Named Inventor

Arnaud FAUSSE

COMPLETE IF KNOWN

Application Number

09 / 914,282

Filing Date

August 24, 2001

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTECTED OPTICAL DISK AND METHOD FOR PROTECTING AN OPTICAL DISK.

(Title of the invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

08/ 24/ 2001

as United States Application Number or PCT International

Application Number

09/ 914,282

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
99/ 02474	France	02/ 26/ 1999	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SR/02R attached hereto:

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/>		Customer Number or Bar Code Label		<input type="checkbox"/>		OR <input type="checkbox"/> Correspondence address below	
Name							
Address							
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Country		Telephone				Fax	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>							
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any)) Arnaud				Family Name or Surname FAUSSE			
Inventor's Signature						Date	
Residence: City Paris		State		Country France		Citizenship French	
Mailing Address 50, Avenue Jean Jaurès - B.P. 620-12							
City Montrouge Cedex		State		ZIP 92542		Country France	
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Mailing Address							
City		State		ZIP		Country	
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.							

[Page 2 of 2]

Please type a plus sign (+) inside this box → ☐

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	
Filing Date	August 24, 2001
First Named Inventor	Arnaud FAUSSE
Title	Protected optical disk and...
Group Art Unit	
Examiner Name	
Attorney Docket Number	09669/007001

I hereby appoint:

- ☐ Practitioners at Customer Number →

Place Customer
Number Bar Code
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☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

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Individual Name

Address

Address

City

Country

Telephone

State

Zip

Fax

I am the:

- ☐ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Arnaud FAUSSE
Signature	
Date	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

Burdens Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND PFT'S OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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